

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

DUANE KIRBY,

Defendant.
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ORDER

18 CR 585-2 (VB)

Defendant has filed a motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). (See Doc. #93). Defendant's submission indicates he presently is not in the custody of the Federal Bureau of Prisons ("BOP") because he has not yet been transferred from the Orange County Jail to a BOP facility to serve the remainder of his sentence. According to defendant, the government has taken the position that the exhaustion requirements of 18 U.S.C. § 3582(c)(1)(A) do not apply to non-BOP inmates such as defendant. (See Doc. #94 at 7).

Accordingly, by June 29, 2020, the government is directed to file its response to defendant's motion. (Doc. #93). The government is directed to address the merits of the motion.

Dated: June 15, 2020

White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti, U.S.D.J.